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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590

08/28/2002

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EXAMINER

DOROSHENK, ALEXA A

ART UNIT

PAPER NUMBER

1764

19

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/384,082

Examiner

Alexa A. Doroshenk

Applicant(s)

OTOMO ET AL.

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-- The MAILING DATE of this communication appears n the cover she t with the corresp ndence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2002 .
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 33-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 33-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is unclear as how the "said higher-temperature steam" can be "directly supplied from said heat exchanger in said coal gasification system to said gas turbine" when it has also been stated that it is "first sent through a gas cleanup unit".

It is also unclear as to which "said higher-temperature steam" from claim 2 the claim refers as a higher-temperature steam from any part of the coal gasification system has not been recited.

The claim has been interpreted as previously treated in the rejection of Paper No. 16 due to the extent that the claim is unclear.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-6, 10-13 and 15 continue to be rejected under 35 U.S.C. 103(a) as being unpatentable over Jahnke et al. (5,345,756) in view of Rice (4,571,935) as presented in paragraph 6 of Office Action Paper No. 12.

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5. Claims 7 and 14 continue to be rejected under 35 U.S.C. 103(a) as being unpatentable over Jahnke et al. (5,345,756) in view of Rice (4,571,935), as applied to claims 1-6, 10-13 and 15, and further in view of Perkins et al. (5,160,096) as presented in paragraph 7 of Office Action Paper No. 12.

6. Claims 8 and 9 continue to be rejected under 35 U.S.C. 103(a) as being unpatentable over Jahnke et al. (5,345,756) in view of Rice (4,571,935), as applied to claims 1-6, 10-13 and 15, and further in view of Iwata et al. (5,327,718) as presented in paragraph 8 of Office Action Paper No. 12.

7. Claims 33-39 and 42-47 continue to be rejected under 35 U.S.C. 103(a) as being unpatentable over Jahnke et al. (5,345,756) in view of Rice (4,571,935) and further in view of Perkins et al. (5,160,096) as presented in paragraph 5 of Office Action Paper No. 16.

8. Claims 40 and 41 continue to be rejected under 35 U.S.C. 103(a) as being unpatentable over Jahnke et al. (5,345,756) in view of Rice (4,571,935) and further in view of Perkins et al. (5,160,096), as applied to claims 33-39 and 42-47, and further in view of Iwata et al. (5,327,718) as presented in paragraph 6 of Office Action Paper No. 16.

### ***Response to Arguments***

9. Applicant's arguments filed June 5, 2002 have been fully considered but they are not persuasive.

In response to applicant's argument that Rice would combine with Jahnke only to teach directly supplying steam from a steam turbine to a gas turbine and bypass any

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elements of a coal gasification system, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Additionally, the examiner has applied Rice to demonstrate the general teaching of steam usage in a gas turbine and holds that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize this teaching in conjunction with any of the sources of steam taught by Jahnke to accomplish such.

Applicant argues that Jahnke discloses that the heat exchanger 103 is part of the gas turbine system and not the coal gasification system.

The examiner respectfully disagrees with applicant. The examiner has not found where Jahnke discloses wherein one portion of the system ends and the other begins. Absent such a teaching, the examiner finds the heat exchanger to indeed be a portion of the coal gasification system.

### **Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexa A. Doroshenk whose telephone number is 703-305-0074. The examiner can normally be reached on Monday - Thursday from 8:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode can be reached on 703-308-4311. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
JERRY D. JOHNSON  
PRIMARY EXAMINER  
GROUP 1100

  
AAD  
August 21, 2002